

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

DTE St. Bernard, LLC  
5189 Spring Grove Avenue  
Cincinnati, Ohio 45216

**ATTENTION:**

Mark Zatlokowicz, Plant Manager

**Request to Provide Information Pursuant to the Clean Air Act**

The United States Environmental Protection Agency is requiring DTE St. Bernard, LLC ("DTE St. Bernard" or "you") to submit certain information regarding the coal-fired boiler and oil-fired boiler at your facility located at 5189 Spring Grove Avenue in Cincinnati, Ohio.

Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to EPA within 60 calendar days after you receive this request.

EPA is issuing this information request under Section 114(a) of the Clean Air Act ("the CAA"), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

DTE St. Bernard owns and operates emission sources at its Cincinnati, Ohio facility. EPA is requesting this information to determine whether your emission sources are complying with the Ohio State Implementation Plan and federal regulations promulgated under Title V of the CAA, 42 U.S.C. §§ 7661-7661f.

You must send all requested information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

DTE St. Bernard must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emission data."

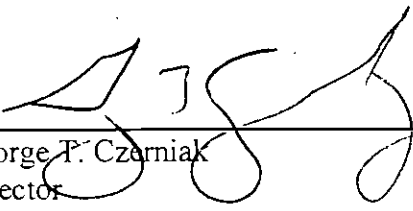
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

Failure to comply fully with this information request may subject DTE St. Bernard to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

You should direct any questions about this request for information to Gina Harrison of my staff at (312) 353-6956.

4/16/15  
Date

  
\_\_\_\_\_  
George P. Czarniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, EPA requests that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format ("PDF") or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition ("OCR") for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *EPA recommends the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information ("CBI") must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## Appendix B

### Information You Are Required to Submit to EPA

DTE St. Bernard must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a).

1. Provide the following for each coal-fired and oil-fired boiler at this facility:
  - a. the emission unit identification number;
  - b. the current operating status of each unit and the date operation commenced and, if applicable, the date each unit was retired;
  - c. the original design and current maximum steam flow output capacity (lbs. of steam/hr);
  - d. scheduled or planned boiler retirement dates;
  - e. type of particulate ("PM") emissions control (manufacturer and design) and year installed;
  - f. type of sulfur dioxide ("SO<sub>2</sub>") emissions control (manufacturer and design) and year installed;
  - g. type of nitrogen oxides ("NO<sub>x</sub>") emissions control (manufacturer and design) and year installed; and
  - h. any anticipated additional emission controls and estimated dates of installation.
2. Provide an electronic (Microsoft Excel compatible, .xls format) copy of all continuous opacity monitor system ("COMS") data (6-minute averages) that exceeds 20 percent opacity for each boiler from January 1, 2010 to the date of this request. COMS data should include percent opacity, date and time, a reason/action code with description, and any corrective actions taken for each 6-minute average opacity exceedance period. Any 6-minute average that DTE St. Bernard believes is exempt from violation under the Act should be noted or marked and a reason for any exemption should be provided with supporting data. Do not provide all COMS data during this period, but only the 6-minute averages that exceed the applicable 20 percent opacity standard.
3. Provide copies of all Quarterly, Semi-Annual, and Annual Excess Emission Reports for this facility submitted in accordance with the Act, including all emission units, for the period from January 1, 2010 through the date of this request.
4. Provide copies of all visible emission observations (*i.e.* EPA Method 9 readings) performed at the coal-fired and oil-fired boilers from January 1, 2010 to the date of this request.
5. Provide the following for the coal-fired and oil-fired boilers on a monthly basis for the period from January 1, 2010 through the date of this request. To the extent available, provide data in electronic format, such as a Microsoft Excel spreadsheet or other accessible format:
  - a. total gross and net steam output (lbs. of steam);

- b. fuel usage (tons or gallons);
  - c. average fuel heat content (Btu/lb. or Btu/gallon);
  - d. average fuel sulfur content (%); and
  - e. the peak hourly steam output (lbs. of steam/hr) achieved each month.
6. For each coal-fired and oil-fired boiler, identify any outage (*i.e.* when the boiler was not operating) during the period January 1, 2010 through the date of this request which lasted longer than 45 days. For each such outage, provide the exact out-of-service and in-service dates (month/day/year), all work orders and total cost associated with the outage and any and all documents providing justifications/benefits, alternative options analyses, and whether the project was associated with a life extension project, capacity increase, efficiency enhancement, or reliability improvement.
  7. Provide copies of all Prevention of Significant Deterioration ("PSD") and New Source Review ("NSR") permits received and permit applications submitted for the period from January 1, 2010 through the date of this request.
  8. Provide copies of all documents, including, but not limited to, reports, correspondence, memoranda, and phone discussion summaries related to PSD, NSR, and New Source Performance Standards ("NSPS") applicability for any projects undertaken at the coal-fired and oil-fired boilers between January 1, 2010 and the date of this request.
  9. Provide copies of all boiler studies, evaluations, assessments, and reports, including, but not limited to life extension, life optimization, or reliability enhancement reports, related to extending the life of or increasing the reliability of the boiler for the period from January 1, 2010 through the date of this request.
  10. Provide copies of the summary results pages of all boiler stack tests for particulate matter (including PM, PM<sub>10</sub> and PM<sub>2.5</sub>), sulfur dioxide, sulfuric acid mist (H<sub>2</sub>SO<sub>4</sub> and/or SO<sub>3</sub>), nitrogen oxides, mercury, lead and hydrogen chloride for the period from January 1, 2010 through the date of this request.
  11. Provide a list of all entities that have owned the facility since January 1, 2010. Describe DTE St. Bernard's relationship with Cinergy and Procter and Gamble (*e.g.*, successor due to merger, successor due to asset transfer, subsidiary affiliated company, etc.). Provide copies of all documents sent to and received from Ohio EPA related to any ownership transfers or changes.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.



## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis?  
Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

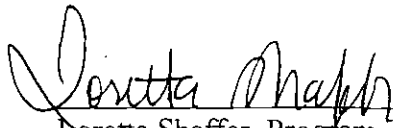
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Mark Zatlakowicz  
DTE St. Bernard  
5189 Spring Grove Avenue  
Cincinnati, Ohio 45216

I also certify that I sent copies of the Request to Provide Information Pursuant to the Clean Air Act by first class mail to:

Tom Wittekind  
Southwest Ohio Air Quality Agency  
250 William Howard Taft Road  
Cincinnati, Ohio 45219

on the 17 day of April 2015.

  
Loretta Shaffer, Program Technician  
AECAS (MN/OH)

Certified Mail Receipt Number: 7014 2870 0001 9580 5043